Convention on Cluster Munitions

20 June 2018

Original: English

Eighth Meeting of States Parties
Geneva, 3 - 5 September 2018
Item 7 (b) of the provisional agenda
Review of the status and operation of the Convention
and other matters important for achieving the aims of the Convention
Storage and Stockpile Destruction

Guidelines for the Convention on Cluster Munitions (CCM) Article 3 Extension Requests

Submitted by Bosnia-Herzegovina

I. Article 3 Extension Request Guidelines

1. The Convention on Cluster Munitions, in its Article 3, envisions that a State Party shall "separate all cluster munitions under its jurisdiction and control from munitions retained for operational use and mark them for the purpose of destruction" as well as "undertakes to destroy or ensure the destruction of all cluster munitions" no later than 8 years after the entry into force of the Convention for that State Party.

2. Should a State Party believe that it will be unable to destroy or ensure the destruction of all cluster munitions within the aforementioned 8 years, it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline, for a period of 4 years. In exceptional circumstances, a State Party may submit a request for an additional extension of up to 4 years.

3. States Parties intending to submit requests are encouraged to seek assistance and input from the CCM Implementation Support Unit in regards to the preparation of their request.

4. A request for an extension must be submitted at least 9 months prior to the Meeting of States Parties or the Review Conference at which it is to be considered. The request should be addressed to the current serving President of the upcoming CCM Meeting of States Parties (MSP) or Review Conference (RC), as well as a copy addressed to the CCM Implementation Support Unit (ISU).

5. The CCM ISU will inform States Parties that an extension request has been received and share that extension request with States Parties by making it available on the CCM website.

6. The CCM ISU shall bring the request to the attention of the CCM Coordination Committee. The Coordination Committee will create an *ad hoc* Analysis group, which will consider all requests submitted. The Analysis group can also be created at an earlier stage, at the discretion of the Coordination Committee, in order to assist with the preparation of requests or consultations with requesting States Parties.

7. The Analysis group will prepare a report, with recommendations, and submit that report to the Coordination Committee. After that, the report shall be adopted by the Coordination Committee and submitted by the President to States Parties, to be considered at the next MSP or Review Conference.

8. The Analysis group will be composed of:

- Coordinators on Stockpile Destruction and Retention
- Coordinators on International Cooperation and Assistance
- Representative(s) of the CCM Implementation Support Unit

9. Expertise to assist during the analysis will be sought from a number of sources, including, but not limited to, the UN and its agencies, the International Committee of the Red Cross (ICRC), the Cluster Munition Coalition (CMC), the Geneva International Centre for Humanitarian Demining (GICHD), as well as other organizations and demining experts, as deemed appropriate by the CCM Coordination Committee.

10. In order to avoid conflicts of interest, members of the Analysis group will excuse themselves from analyzing their own government's extension requests as well as in the case of other apparent conflicts of interest. Members of the Coordination Committee will excuse themselves from deciding on their own government's extension requests during Coordination Committee meetings.

11. In analyzing a request, the first Analysis group will create a methodology, to be presented to and adopted by the Coordination Committee, which will be used for all future requests, in order to ensure a uniform approach to all requests. The methodology created will be incorporated into these guidelines, to be presented to States Parties for adoption at the next MSP or Review Conference.

12. The Analysis group will, within four weeks after its creation, present a preliminary report to the CCM Coordination Committee. This preliminary report analyses the comprehensiveness and level of detail of the request, aiming to improve all extension requests and seeking to address any potential shortcomings. The Analysis group may, at any time, ask for clarifications or additional information from the requesting State Party. The requesting State Party may, at any time, submit amendments to its extension request.

13. Once the report is finalized, it shall be offered to the requesting State Party for comments and/or to correct points of fact. After that, based on the report, a draft decision shall be adopted by the Coordination Committee and submitted by the President to States Parties, to be considered at the next MSP or Review Conference.

14. The Meeting of States Parties or the Review Conference will assess the request and decide, in accordance with its rules of procedure, whether to grant the request for an extension. The Meeting of States Parties may decide to grant the request extension in accordance with the request by the State Party, in accordance with recommendations from the report by the Analysis Group, or to grant a shorter extension.

15. States Parties may also propose benchmarks for the extension, should they find it so necessary. Regardless of proposed benchmarks by States Parties, a State Party that has been granted an extension request will submit annual progress reports.

16. These guidelines will be reviewed annually by the Coordinators on General Status and Operation of the CCM. Changes, if deemed necessary, shall be proposed to be adopted at the next CCM MSP.

II. Timeline for Article 3 extension requests

17. With CCM Meetings of States Parties typically taking place during the month of September each year, Article 3 extension request should be prepared, submitted, analyzed, and considered in accordance with the suggested timeline below. The timeline always pertains to the next upcoming CCM Meeting of States Parties (CCM MSP) or CCM Review Conference (CCM RC).

Month (Year of CCM MSP/RC)	*Action taken by State Party or CCM ISU / CCM Coordination Committee*
May (MSP/RC Year -1)	State Party starts preparing Article 3 Extension Request, and, if possible, informs CCM ISU of the intent to submit a request
May-November (MSP/RC Year -1)	State Party prepares Article 3 Extension Request, consults with ISU and Analysis group as necessary
1 December (MSP/RC Year -1)	State Party submits its request to the President, as well as a copy addressed to the CCM Implementation Support Unit.
December-June (Year of MSP/RC)	CCM Coordination Committee and the Analysis group analyze the request, working closely with the State Party, to close any gaps in the request; State Party is offered the preliminary report, for comments
July (Year of MSP/RC)	The President submits the final report, with recommendations, to all States Parties, for consideration
September (Year of MSP/RC)	States Parties consider the request and decide on granting the extension to the requesting State Party

III. Suggested outline for Article 3 Extension Requests

18. Article 3 Extension Requests are to be prepared by the State Party as comprehensively as possible in regards to the assessed challenges to fulfilling Article 3 obligations, and regarding the methods and the time period required for those challenges to be met. The document to be submitted should contain the following:

A. Executive Summary

4-8 pages long, summarizing essential details, in accordance with Article 3, paragraph 4 of the Convention

- Duration of the proposed extension
- Rationale and resource mobilization: Summary explanation of the proposed extension, including the financial and technical means available to or required by the State Party, and, where applicable, the exceptional circumstances justifying it
- Outline for how and when stockpile destruction will be completed - Summary work plan for period of extension
- Quantity and type of cluster munitions and explosive submunitions held at the entry into force of the Convention for that State Party and any additional cluster munitions or explosive submunitions discovered after such entry into force
- Quantity and type of cluster munitions and explosive submunitions destroyed during the 8 years after the entry into force of this Convention for that State Party
- Quantity and type of cluster munitions and explosive submunitions remaining to be destroyed during the proposed extension and the annual destruction rate expected to be achieved

- Provide full contact details of the national focal person with whom follow-up will be conducted

B. Detailed narrative

Elaborating on the summarized details above, and, inter alia, informing States Parties about the following

- Origins of the Article 3 challenge to meeting the deadlines
- Existing national storage and stockpile destruction capacities
- Nature and extent of the progress made to date
- Resources made available to support progress made to date
- Methods and standards used
- Nature and extent of the remaining challenges
- Humanitarian, economic, social, and environmental implications
- Institutional, financial, technical, and human means and resources available and/or necessary in order to meet remaining challenges
- Amount of time requested and reasoning behind the amount of time requested
- Detailed work plan covering the amount of time requested, with measurable benchmarks, including, but not limited to:
    - How much storage and stockpile destruction is planned for each year of the extension period?
    - What annual costs are projected, including a breakdown of costs?
    - What are the expected sources of funding necessary for implementation of the plan?
    - What are potential challenges and/or risk factors that may negatively affect the realization of the plan?
- Circumstances that may impede the ability of the State Party to destroy all stockpiles during the proposed extension
- Any other information relevant to the request for the proposed extension.

Convention on Cluster Munitions

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Review of the status and operation of the Convention
and other matters important for achieving the aims of the Convention
Clearance and destruction of cluster munitions remnants and risk reduction education

Guidelines for the Convention on Cluster Munitions (CCM) Article 4 Extension Requests

Submitted by Bosnia-Herzegovina

I. Article 4 Extension Request Guidelines

1. The Convention on Cluster Munitions, in its Article 4, envisions that a State Party "undertakes to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in cluster munition contaminated areas under its jurisdiction or control" no later than 10 years after the entry into force of the Convention for that State (or, in case of active hostilities, no later than 10 years after the end of the active hostilities during which such cluster munitions became cluster munition remnants).

2. Should a State Party believe that it will be unable to clear and destroy or ensure the clearance and destruction of all cluster munition remnants within the aforementioned 10 years, it may submit a request to a Meeting of States Parties (MSP) or a Review Conference (RC) for an extension of the deadline, for a period of up to 5 years, although the requested extension shall not exceed the number of years strictly necessary for that State Party to complete its obligations. A State Party could also request an extension for less than 5 years with regard to its fulfilment of its obligations under Article 4.

3. States Parties intending to submit requests are encouraged to seek assistance and input from the CCM Implementation Support Unit (ISU) in regards to the preparation of their request.

4. A request for an extension must be submitted at least 9 months prior to the Meeting of States Parties or the Review Conference at which it is to be considered. The request should be addressed to the current serving President of the upcoming CCM Meeting of States Parties or Review Conference, as well as a copy addressed to the CCM ISU.

5. The CCM ISU will inform States Parties that an extension request has been received and share that extension request with States Parties by making it available on the CCM website.

6. The CCM ISU shall bring the request to the attention of the CCM Coordination Committee. The Coordination Committee will create an *ad hoc* Analysis group, which will consider all requests submitted. The Analysis group can also be created at an earlier stage, at the discretion of the Coordination Committee, in order to assist with the preparation of requests or consultations with requesting States Parties.

7. The Analysis group will prepare a report, with recommendations, and submit that report to the Coordination Committee. After that, the report shall be adopted by the Coordination Committee and submitted by the President to States Parties, to be considered at the next MSP or Review Conference.

8. The Analysis group will be composed of:

- Coordinators on Clearance and Risk Reduction Education
- Coordinators on International Cooperation and Assistance
- Representative(s) of the CCM Implementation Support Unit

9. Expertise to assist during the analysis will be sought from a number of sources, including, but not limited to, the UN and its agencies, the International Committee of the Red Cross (ICRC), the Cluster Munition Coalition (CMC), Geneva International Centre for Humanitarian Demining (GICHD), as well as other organizations and demining experts, as deemed appropriate by the CCM Coordination Committee.

10. In order to avoid conflicts of interest, members of the Analysis group will excuse themselves from analyzing their own government's extension requests as well as in the case of other apparent conflicts of interest. Members of the Coordination Committee will excuse themselves from deciding on their own government's extension requests during Coordination Committee meetings.

11. In analyzing a request, the first Analysis group will create a methodology, to be presented to and adopted by the Coordination Committee, which will be used for all future requests, in order to ensure a uniform approach to all requests. The methodology created will be incorporated into these guidelines, to be presented to States Parties for adoption at the next MSP or Review Conference.

12. The Analysis group will, within four weeks after its creation, present a preliminary report to the CCM Coordination Committee. This preliminary report analyses the comprehensiveness and level of detail of the request, aiming to improve all extension requests and seeking to address any potential shortcomings. The Analysis group may, at any time, ask for clarifications or additional information from the requesting State Party. The requesting State Party may, at any time, submit amendments to its extension request.

13. Once the report is finalized, it shall be offered to the requesting State Party for comments and/or to correct points of fact. After that, based on the report, a draft decision shall be adopted by the Coordination Committee and submitted by the President to States Parties, to be considered at the next MSP or Review Conference.

14. The Meeting of States Parties or the Review Conference will assess the request and decide, in accordance with its rules of procedure, whether to grant the request for an extension. The Meeting of States Parties may decide to grant the request extension in accordance with the request by the State Party, in accordance with recommendations from the report by the Analysis Group, or to grant a shorter extension.

15. States Parties may also propose benchmarks for the extension, should they find it so necessary. Regardless of proposed benchmarks by States Parties, a State Party that has been granted an extension request will submit annual progress reports.

16. An extension to a State Party may be renewed by a period of up to 5 years upon the submission of a new request, in accordance with the Convention and these guidelines. In requesting a further extension, a State Party shall submit relevant additional information on what has been undertaken during the previous extension granted.

17. These guidelines will be reviewed annually by the Coordinators on General Status and Operation of the CCM. Changes, if deemed necessary, shall be proposed to be adopted at the following CCM MSP.

II. Timeline for Article 4 extension requests

18. With CCM Meetings of States Parties typically taking place during the month of September each year, Article 4 extension requests should be prepared, submitted, analysed, and considered in accordance with the suggested timeline below. The timeline always pertains to the next upcoming CCM Meeting of States Parties (MSP) or CCM Review Conference (RC).

Month (Year of CCM MSP/RC)	*Action taken by State Party or CCM ISU / CCM Coordination Committee*
May (MSP/RC Year -1)	State Party starts preparing Article 4 Extension Request, and, if possible, informs CCM ISU of the intent to submit request
May- November (MSP/RC Year -1)	State Party prepares Article 4 Extension Request, consults with ISU and Analysis group as necessary
1 December (MSP/RC Year -1)	State Party submits request to the President, as well as a copy addressed to the CCM Implementation Support Unit
December-June (Year of MSP/RC)	CCM Coordination Committee and the Analysis group analyze the request, working closely with the State Party, to close any gaps in the request; State Party is offered the preliminary report for comments
July (Year of MSP/RC)	The President submits the final report, with recommendations, to all States Parties, for consideration
September (Year of MSP/RC)	States Parties consider the request and decide on granting the extension to the requesting State Party

III. Outline for Article 4 Extension Requests

Article 4 Extension Requests are to be prepared by the State Party as comprehensively as possible in regards to the assessed challenges to fulfilling Article 4 obligations, and regarding the methods and the time period required for those challenges to be met. The document to be submitted should contain the following:

A. Executive Summary

4-10 pages long, summarizing essential details, in accordance with Article 4, paragraph 6 of the CCM

- Duration of the proposed extension (time requested, risks and assumptions)
- Rationale and resource mobilization: Summary explanation of the reasons for the proposed extension, including the financial and technical means available to and required by the State Party for the clearance and destruction of all cluster munition remnants during the proposed extension
- Preparation of future work and the status of work already conducted under national clearance and demining programs during the initial 10 year period and any subsequent extensions
- Summary work plan for period of extension
- Total area containing cluster munition remnants at the time of entry into force of the Convention for that State Party and any additional areas containing cluster munition remnants discovered after such entry into force
- Total area containing cluster munition remnants cleared since entry into force of the Convention (land release methodologies applied)

- Total area containing cluster munition remnants remaining to be cleared during the proposed extension
- Provide full contact details of the national focal person with whom follow-up will be conducted

B. Detailed narrative

Elaborating on the summarized details above, and, inter alia, informing States Parties about the following

- Origins of the Article 4 challenges to meeting the deadline
- Methods used to identify areas containing cluster munitions (in accordance with International Mine Action Standards (IMAS)
- Existing national demining structures and capacities
- Nature and extent of the progress made to date
- Resources made available to support progress made to date
- Methods and standards used to release suspected areas, incl. quality assurance standards
- Efforts undertaken in the effective exclusion of civilians from suspected areas
- Nature and extent of the remaining challenges
- Humanitarian, social, economic and environmental implications of the proposed extension
- Institutional, financial, technical, and human means and resources available and/or necessary in order to meet remaining challenges
- Amount of time requested and reasoning behind the amount of time requested
- Detailed work plan covering the amount of time requested, with measurable benchmarks, including, but not limited to:
    - If necessary, what survey activities will take place to determine actual location, size, and other characteristics of suspected areas?
    - How much area is planned to be released each year of the extension period? (state milestones)
    - What land release methods and standards will be applied?
    - What annual costs are projected, including breakdown of costs?
    - What are the expected sources of funding necessary for implementation of the plan? Describe in detail the State's resource mobilization strategy.
    - What are potential challenges and/or risk factors that may negatively affect the realization of the plan?
- Circumstances that may impede the ability of the State Party to destroy all cluster munition remnants located in areas under its jurisdiction or control during the proposed extension
- Any other information relevant to the request for the proposed extension.
- Attach supporting documents such as the national strategic plan, National Mine Action Standards (NMAS), Risk Reduction Education plan, etc.

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Review of the status and operation of the Convention
and other matters important for achieving the aims of the Convention
Selection Process for future Presidencies of the Convention

Establishment of a Process for the Selection of the Presidency of the Convention on Cluster Munitions

Submitted by Germany

1. The Presidency of the Convention on Cluster Munitions (CCM) plays a central role in the functioning of the Convention. It presides over the Meeting of States Parties, the central decision-making body of the Convention and assures the continuity of the implementation process by providing political guidance during the intersessional period, e.g. by chairing the regular meetings of the coordination committee.

2. The election and succession of Presidencies is not regulated in the text of Convention itself. However, the CCM's internal guidelines stipulate that the Presidents be chosen according to a procedure that takes into consideration the regional balance and an alternation of affected and non-affected states. There has also been general agreement on the need to determine two consecutive Presidencies at a time in order to avoid last minute decisions with a possible disruption of working processes.

3. In keeping with the Convention's overall objectives, its spirit of cooperation and burden sharing, it can be assumed that all States Parties are, in principle, willing to take on the tasks of the Presidency. In order to facilitate such an endeavour, the internal rules of the CCM stipulate that a Presidency is being supported in both technical and administrative matters by the Implementation Support Unit (ISU).

4. The identification of suitable candidates and the election process itself has not yet been specified in the Convention's internal rules. This has so far led to an ad hoc way of approaching eligible candidates by incumbent Presidencies leaving the burden of determining eligible candidates in their sole responsibility. The lack of procedural guidelines, time delays arising from the transition of office and a certain reluctance of some member States to assume the responsibilities of the Presidency have made this process even more difficult. This has often resulted in last minute decisions entailing unpredictability and even confusion. In addition, as there are no clear rules in case there are no candidates for succession of an incumbent Presidency, this opens for the possibility of the CCM having no leadership at all, a scenario for which there are no obvious contingencies.

5. The identification process for suitable candidates should thus be strengthened to ensure continuity of the functioning of the Convention, to encourage improved uptake of this important leadership role and to ensure greater ownership of the issue by States Parties. The following two options for action should be considered at the Eighth Meeting of States Parties (8MSP) to make this process both practical and more inclusive:

(a) Through a decision at 8MSP, States Parties should recognise and reiterate the desirability of geographical rotation of presidencies for future MSPs, including Review Conferences. In particular, States Parties from regions that have been under-represented to date should be encouraged to give active consideration to taking on the role of President. Through a decision at 8MSP, the President, with the support of the Secretariat and the Coordination Committee, should be encouraged to focus his or her consultations with prospective candidates to facilitate geographical rotation.

(b) Presidencies should be chosen according to a fixed rotational scheme between regional groups (Africa, Americas, Asia-Pacific, and Europe, according to an alphabetical order) yet to be established for this purpose. This implies that ad hoc regional groups should make recommendations for a respective candidate before an MSP and present that candidate during a dedicated agenda item during the MSP. Active candidacies brought forward outside of the regular scheme can be considered by the MSP if there is consensus among regional groups.

General Considerations

- Notwithstanding the option chosen the election of Presidencies should remain an active procedure embedded in the annual MSP agenda as a dedicated agenda item as well as an item on the regular meetings of the Coordination Committee.
- The 8MSP in 2018 needs to elect the President for the 9MSP according to the previous procedure due to lack of time. However, the 8MSP would then also select a candidate for the 2020 Review Conference which will replace the annual MSP. This candidate for the Presidency would then only have to be reconfirmed at the 9MSP in 2019. At the same time the 9MSP will select a candidate for the regular 10MSP in 2021.
- The following Presidencies should be gradually phased into their work by taking on tasks and responsibilities in close consultation with the incumbent Presidency, e.g. by co-chairing events with the Presidency and substituting the Presidency in case of unexpected absences.

6. States Parties are also encouraged to duly consider gender aspects when bringing forward candidacies with the aim of having a balanced gender representation of the CCM over time.

Overview on the role of the CCM Presidency

7. Preside over the intersessional programme of the Convention on Cluster Munitions (CCM) i.e. from the last day of meeting at which presidency is assumed to last day of following Meeting of States Parties (MSP) which are normally held in the first week of September for three days. The CCM ISU provides technical and administrative support to the Presidency and Coordination Committee.

8. Prepare and preside over the Meeting of States Parties/Review Conference - in collaboration with the Coordination Committee, the United Nations Office for Disarmament Affairs (UNODA) and the Implementation Support Unit. Draft daily scripts are provided by the UNODA in collaboration with the ISU. Geneva is the default location of CCM MSPs but the Presidency can choose to host it in its country.

9. Chair meetings of the Coordination Committee as necessary - usually once a month. The ISU prepares the Agenda and drafts the Minutes in consultation with the President.

10. Coordinate the activities of the members of the Coordination Committee (14 States) and report back at the annual MSP at which she/he presides.

11. Lead the implementation of any decisions taken by States Parties and report back to them within the stipulated timeframe.

12. Issue public statements as necessary on behalf of the Convention's community to promote the objectives of the CCM and to strengthen the norm against use of cluster munitions.

13. Promote implementation and universalization of the Convention through various activities; including delivering CCM related statements at appropriate fora.

14. Spearhead the search for the following two Presidents taking into consideration regional balance.

15. Lead efforts to ensure that sufficient resources are available to fund the operations of the Implementation Support Unit.

Note:

All activities are conducted with the direct technical support and advice of the ISU as stipulated in its mandate. The core mandate of the ISU is to provide the necessary substantive support and advice to the president and coordination committee to ensure the CCM is on track with its implementation objectives.

Convention on Cluster Munitions

5 July 2018

English only

Eighth Meeting of States Parties
Geneva, 3 - 5 September 2018
Item 7 (b) of the provisional agenda
Review of the status and operation of the Convention and other matters important for achieving the aims of the Convention
Storage and Stockpile Destruction

Draft
Article 3 Declaration of Compliance

Submitted by Croatia and Mozambique

GE.18-11126(E)
1811126

Please recycle

Submitted by [*State Party*]: _____

Article 3 destruction deadline: _____[*day/month/year*]

Date of completion: _____[*day/month/year*]

***[State Party]* ratified/acceded to the Convention on *[day/month/year]*. The Convention entered into force for *[State Party]* on *[day/month/year]*.**

Article 3

Storage and stockpile destruction [requirements]

1. Each State Party shall, in accordance with national regulations, separate all cluster munitions under its jurisdiction and control from munitions retained for operational use and mark them for the purpose of destruction.

2. Each State Party undertakes to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article as soon as possible but not later than eight years after the entry into force of this Convention for that State Party. Each State Party undertakes to ensure that destruction methods comply with applicable international standards for protecting public health and the environment.

Dubrovnik Action Plan

Action 2.4

3. States Parties that have fulfilled obligations under Article 3 are encouraged to make an official declaration of compliance with Article 3 obligations to meetings of States Parties or review conferences of the Convention and in annual submissions of transparency reports under Article 7.

Declaration

4. As a result of efforts undertaken since its initial transparency report, *[State Party]* declares that it has fulfilled its obligations under Article 3 of the Convention by having destroyed or ensured the destruction of all cluster munition stockpiles and determined that there are no longer any such stockpiles under its jurisdiction or control. In the event that previously unknown stockpiles of cluster munitions, including submunitions, are discovered after the date of completion, [*State Party*], in keeping with Article 7 paragraph 1(g), will immediately inform States Parties of such a discovery and share this information through annual transparency reports and any other fora including Meetings of States Parties, Review Conferences and informal meetings of the Convention. If [*State Party*] believes that it will be unable to destroy or ensure destruction of all newly discovered cluster munitions within its Article 3 deadline it may submit a request to a Meeting of States Parties or Review Conference for an extension of the deadline by a period up to four years as stipulated in Article 3. If such a discovery is after the original Article 3 deadline and [*State Party*] is unable to destroy such cluster munitions before the next Meeting of States Parties/Review Conference, it may request an extension of up to four years to complete such destruction.

_____ _____

Signature and official stamp ***Date and place***

_____